

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL EDWARD JANSEN,

Petitioner,

v.

TRISTAN LEMON,

Respondent.

No. 2:23-cv-02018-EFB (HC)

ORDER

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. A petitioner seeking a writ of habeas corpus either must pay the \$5.00 filing fee, *see* 28 U.S.C. § 1914(a), or request leave of court to proceed in forma pauperis, 28 U.S.C. § 1915(a). Petitioner has filed an application to proceed in forma pauperis. ECF No. 5. The application reveals that petitioner had \$2,348.15 in his inmate trust account as of November 8, 2023, with an average account balance over the prior six months of \$376.75 and average monthly deposits of \$562.33. Because petitioner is not “unable to pay” the \$5 filing fee, as § 1915(a) requires, the application will be denied.

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1           Within 30 days from the day this order is served, petitioner may submit the \$5 filing fee.  
2           Petitioner's failure to comply with this order will result in a recommendation that this action be  
3           dismissed.

4           So ordered.

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6           Dated: December 19, 2023

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE